IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 587 of 2003 (M/B)

Shri Madan Singh Ladwal
S/o Shri Prem Singh Ladwal,
R/o Station Road, Tanakpur,
District Champawat …….. Petitioner

Versus

1. State of Uttaranchal through Secretary (Forest) at Dehradun.
2. Principal Chief Conservator of Forest, Dehradun, State of Uttaranchal.
3. Divisional Forest Officer, Haldwani Division, District Nainital …….. Respondents

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Mr. Manmohan Tiwari, Advocate for the petitioner.
Mr. N.C. Gupta, Standing Counsel for the respondents.

JUDGEMENT
Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C. J. (Oral)

Mr. Manmohan Tiwari, the learned counsel for the petitioner.

Mr. N.C. Gupta, the learned Standing Counsel for the respondents.

They are heard.

2. The petitioner has filed this writ petition for the following reliefs:

" i) Issue a suitable writ, order or direction in the nature of certiorari calling for the record of the case and quashing of the impugned order dated 30.05.2003 passed by the respondent no.3, which is annexure no.11 to this writ petition.

ii) Issue a suitable writ, order or direction in the nature of mandamus thereby commanding the respondents to renew the license of saw mill of the petitioner.

iii) Issue any other writ, order or direction as this Hon'ble Court may deem fit and proper in the circumstances of the case."

3. In substance, the petitioner is challenging the impugned order dated 09.05.2003 passed by the Divisional Forest officer, Haldwani

Forest Division, whereby the petitioner's application for renewal of the saw mill license was dismissed.

5 Sri Tiwari, the learned counsel for the petitioner vehemently argued that the petitioner could not apply for the renewal of the license within the prescribed period on account of his prolonged illness.

6. On a perusal of the impugned order (Annexure 11), we gather that the petitioner's application for renewal was dismissed in view of the directions of the Apex Court in the orders dated 12.12.1996 and 04.03.1997 in the case of T.N.Godavarman Vs. Union of India.

7. Admittedly, the petitioner did not apply for renewal of his license within the prescribed period. As such, we do not find any fault with the approach of the authorities in treating the petitioner's application as one for grant of new license. As the directions of the Apex Court in the case of T. N. Godavarman had put a complete ban on the grant of new saw-mill licenses, the forest authorities had no discretion in the matter. Therefore, no fault can be found with the impugned order whereby the petitioner's application was dismissed.

8. The petition, therefore, is liable to be dismissed and is hereby dismissed summarily.

(Prafulla C. Pant, J.) 17.06.2006

(Rajeev Gupta, C. J.) 17.06.2006

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